

Annual Report

Arizona Alliance for Drug Endangered Children Program (DEC)



Submitted by:

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2004 Drug Endangered Children Program Annual Report Executive Summary

Five year-old Michael (not his real name) was found during a meth lab raid living among spoiled food, filth and trash and wearing only a t-shirt, no shoes, underwear or pants. The young child was known to play near the shed containing a working meth lab and had been present when meth was being smoked. The CPS investigator on the scene learned the child's caretakers were not his biological parents but that his birth mother had "given" Michael to this couple at three months of age. Michael had not had any further contact with his birth mother in over four years. Michael was placed in an emergency shelter and then moved into a foster home. The both defendants are currently serving a prison term having pled guilty to Child Abuse and Attempted Manufacture of Dangerous Drugs, both Class 3 felonies. Michael's foster parents have initiated adoption proceedings.

In calendar year 2003, a total of 112 meth lab seizures were made in Arizona, generating 163 arrests. The total number of dependent children found on the scene was 93. In its fourth year of operation, the Drug Endangered Children Program (DEC) has continued to effectively address the needs of children found within these meth lab environments and to prosecute those responsible. Funding provided by the Governor's Office of Children, Youth and Families and the assistance of collaborative partners have allowed the Attorney General's Office to complete the following key accomplishments.

Prosecution

Between October 1, 2003 and September 30, 2004, the Attorney General's Office opened a total of twenty-eight (28) Drug Endangered Children cases including a total of fifty-three (53) children. A total of 1,263 meth lab related seizures have occurred throughout Arizona since the DEC program was established in 2000 through September, 2004. These seizures have resulted in the Attorney General's prosecution of 120 cases involving a total of 256 drug endangered children.

Program Expansion

Throughout the past year, the Arizona Attorney General's Office, in cooperation with our collaborative partners, provided technical assistance and DEC training to agencies serving Pinal County. County Attorney Carter Olsen provided the leadership role in convening the partner agencies with Pinal County becoming the first county outside of Maricopa to fully develop and implement its own DEC Program. The Pinal DEC protocol effectively utilizes the resources found within the County including the new Family Advocacy Center.


DEC Training

From October 1, 2003 through September 30, 2004, 1,297 individuals attended DEC training sessions including a full overview of the DEC Protocol. In addition, an overview of the DEC

Program was provided to members of several Native American Communities, the Arizona Chapter of the American Academy of Pediatrics, and attendees at the Prevent Child Abuse Conference. The Attorney General's Office welcomes the opportunity to present the DEC Program to agencies involved in the welfare of children and addressing the issue of child abuse.

Program Materials

A short video was created to provide an overview of the Arizona Drug Endangered Children Program. Through distribution of these videos, the Attorney General's office can expand efforts to bring this information to law enforcement, CPS, medical professionals, fire departments, and environmental professionals. Additional information relating to drug endangered children, the DEC Program and methamphetamine is now available on the Attorney General's website at www.azag.gov/DEC.



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Purpose of the Drug Endangered Children Program (DEC)

To promote interdisciplinary intervention on behalf of children who have been exposed to methamphetamine or its precursor chemicals as a result of residing, or being taken into, a home-based clandestine drug laboratory or other drug endangered environment.

Background

The Arizona DEC Program was established in 2000 to address the problems associated with meth production in homes where children are present. Methamphetamine, or meth, is the number one illegal drug contributing to violent crime in Arizona. The increasing production of meth in home-based drug labs confront Arizona with a unique set of problems that other illegal drugs have never before presented. The chemicals used to manufacture meth, the production process, and the waste generated as a result of that process pose very real and serious dangers to the public and the environment. These dangers include toxic poisoning, chemical and thermal burns, fires, and explosions. The children who live in and around meth labs are at the greatest risk of harm due to their developmental nature, the abuse and neglect perpetrated on them by their caretakers and the many others who frequent their drug-laden homes, and their inability to protect themselves.

The DEC Program and Task Force developed a multidisciplinary team approach to ensure that agencies involved in seizing clandestine methamphetamine laboratories have immediate access to qualified personnel who can respond immediately to the potential health needs of any children who are present or living at the site. The protocol includes procedures for taking children into protective custody and arranging for protective services, immediately testing them for methamphetamine exposure, conducting medical and mental health assessments, and ensuring short-and long term care and follow up. A coordinated, multidisciplinary team approach is critical to ensure that the needs of child victims are met and that adequate information is available to prosecute drug and child abuse cases successfully.

The DEC Program has coordinated and improved the efforts of local law enforcement, Child Protective Services (CPS), medical professionals, fire departments, and environmental professionals, family advocacy centers, and the Attorney General's Office to respond to meth labs where children are present, and to prosecute those responsible. Building on its success in Maricopa County, the DEC Program is being expanded throughout Arizona through training and technical assistance. Pinal County has developed and implemented a DEC program which effectively utilizes the resources available within Pinal County.

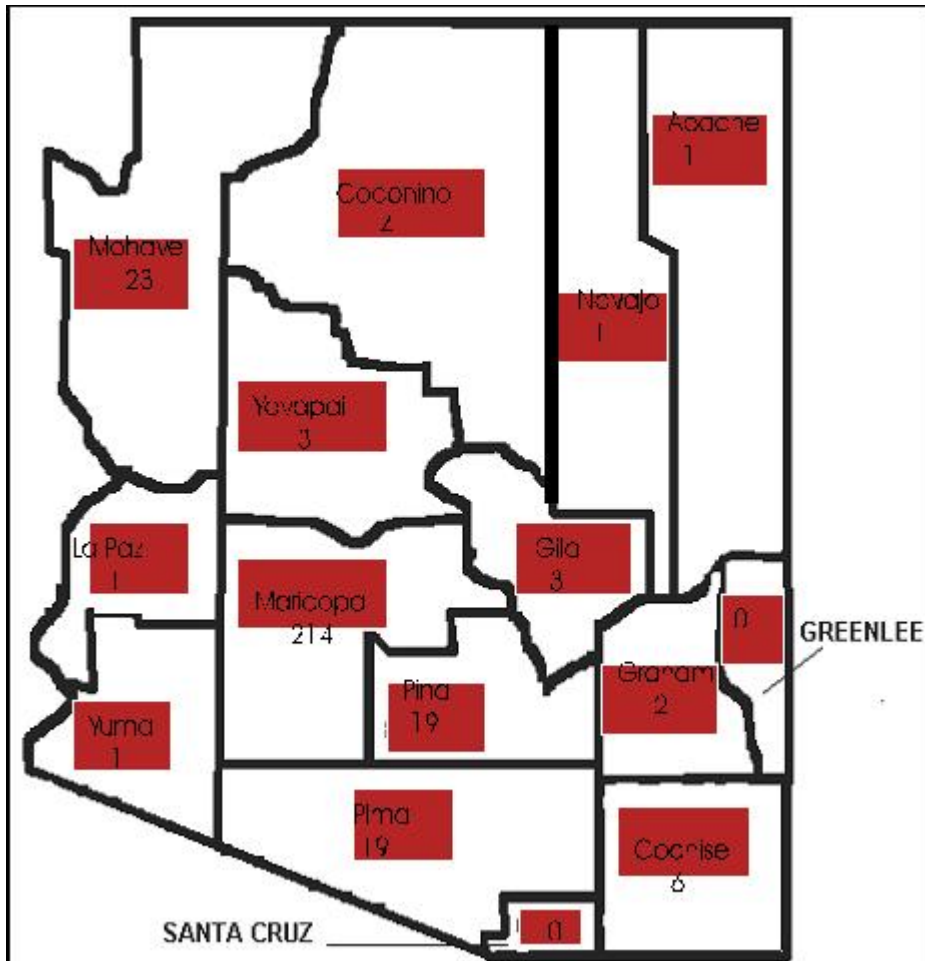
Within Maricopa County, the collaborating agencies include:

- Arizona Attorney General's Office
- Maricopa County Sheriff's Office/HITDTA Clandestine Lab Task Force
- Arizona Department of Public Safety Crime Lab
- Local law enforcement agencies
- Department of Economic Security - Child Protective Services
- Childhelp Child Advocacy Center
- St. Joseph's Child Abuse Assessment Center
- Fire Departments

Clandestine Lab Activity in Arizona

2003

- A total of 178 meth lab related seizures were made in Arizona, generating 163 arrests.
- A total of 93 children were found to be living in or near these meth environments.
- Disposal costs for gross contamination associated with the 178 meth lab discoveries was approximately \$239,744.



Methamphetamine Lab Seizures in Arizona by County in 2003 Total = 178
Source: Maricopa County Sheriff's Office, HIDTA

Lab Activity Summary

Table 1. Summary of Meth Lab and DEC Statistics by Calendar Year						
Calendar Year	2000	2001	2002	2003	2004 to date*	Total to date
Meth lab related seizures	376	326	297	178	86	1263
Meth labs seized	80	293	239	112	69	793
Number of adults arrested	476	396	348	163	106	1489
Number of children rescued:						
Total for State	82	75	72	93	40	362
Maricopa County Only	62	55	36	63	34	250
Disposal costs	\$1,572,335	\$1,221,126	\$760,068	\$239,744	\$47,795	\$3,841,069
Cases prosecuted	28	22	25	23	22	120
# of Victims	58	48	55	53	42	256

*Reflects data through the end of the grant year at 9/30/04.

Sources: DEA, HIDTA Task Force

Effects of Meth and Other Illegal Drug Manufacturing on Children

Children face a host of hazards when there's meth or a meth lab in their home. Exposure to this environment, and associated toxic chemicals, poses serious dangers to children including

- death or injury from fire or explosions resulting from flammable materials in home-based labs;
- risk of acute health problems including upper respiratory symptoms, headaches, nausea, dermatologic problems, or chemical burns;
- risk of long-term adverse health outcomes, including asthma, neurological problems, or cancers;
- risk of physical and/or sexual abuse or neglect;
- developmental, emotional and behavioral problems,
- lack of proper care giving, nutrition or adequate medical care; and
- risk of ingestion or inhalation of methamphetamine or other drugs, or the chemicals involved in their production.



Figure 1 – Precursor Chemicals

Pseudoephedrine, iodine tincture, and peroxide.



Figure 2 – Lab Components

Dangerous to children: Toxic lab waste in juice and soda bottles, Red Devil Lye, and other hazardous chemicals.

Arizona DEC Cases

Data from the DEC cases collected since 2000 was reviewed in association with DES/CPS District I case data and Criminal Prosecution data from the Attorney General. This data review reflects the following findings:

- The Attorney General has handled 120 prosecutions involving 256 child victims from 2000 to September 2004.
- CPS took 81% (218) of the children into temporary custody at the crime scene.
- 12.7% of children initially tested positive for toxicity, 54% negative and 16% (could not test).
- 25.7% of children received 30 day follow up testing.
- At September 30, 2004, the Arizona Attorney General had 29 criminal cases including 60 children in process or pending prosecution.

Training

The Attorney General's Office and members of the DEC Task Force provide a formalized training curriculum to CPS investigators, law enforcement officers, medical professionals, behavioral health professionals and prosecuting attorneys. The training components include:

- Interdisciplinary Investigative Protocol
- Prosecuting Child Abuse and Drug Crimes
- Parallel Proceedings
 - Criminal
 - Civil
- Environmental Remediation
- Medical issues surrounding children present in meth labs.

Technical Assistance

In addition to training, the Drug Endangered Children Program offers technical assistance to individual state, county and municipal jurisdictions to facilitate the development and implementation of a Multidisciplinary DEC protocol which best meets the specific needs of the county. Available throughout the implementation process, technical assistance may include training as described above, facilitation of local DEC team formation, and assistance with incorporation of the DEC protocol into existing agency procedures.

Existing Legislation Supporting the Drug Endangered Children Program

Child Abuse:

In July 2000 the child abuse statute was expanded to add a provision that provides a presumption of endangerment when children and vulnerable adults are found in drug endangered situations. This addition to Arizona law means if a child or vulnerable adult does not test positive for the presence of methamphetamines in his/her system, the nonpresence of methamphetamines does not negate the fact that the situation itself is inherently dangerous.

A.R.S. § 13-3623(C) provides: For the purposes of subsections A and B of this section, the terms endangered and abuse include but are not limited to circumstances in which a child or vulnerable adult is permitted to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug in violation of A.R.S. § 13-3407, subsection A. paragraph 4 Child Abuse and Vulnerable Adult.

Environmental Remediation:

On July 1, 2003, the Clandestine Drug Lab Cleanup laws took effect. A.R.S. § 12-900; 12-1000; and 12-1001 came in response to the high costs of methamphetamine and the safety concerns of the residual contamination present at these labs. The new laws require the cleanup of methamphetamine labs and set up a process for law enforcement to remove all persons from the property where the lab was discovered. Law enforcement must post notice on the property requiring the owner to arrange for the cleanup of residual contamination through a certified drug laboratory site remediation firm. The property owner is obligated for the costs of the remediation even if the owner was not involved with the methamphetamine lab.

Further, it is unlawful for any unauthorized person to enter the residually contaminated portion of the real property, space rental mobile home, or recreational vehicle park, until the owner, landlord, or manager establishes that the portion of the real property has been cleaned by a certified "Drug Laboratory Site Remediation Firm." If the owner fails to provide any notice required by this section, the owner is subject to a civil penalty. Any buyer, tenant, or customer may have legal relief from a purchase contract, rental agreement, or other agreement.

Once the MCSO/HIDTA Task Force has posted the property it becomes a Class 6 Felony to violate this section. It is also a Class 2 Misdemeanor to remove the posted warning from the contaminated portion of the real property until such time as a "Drug Laboratory Site Remediation Firm" has completed remediation.

For future legislation, the Attorney General's Office is considering the propriety of the following:

- Amend 13-3623 A. to eliminate "having the care or custody of a child or vulnerable adult" section.
- This amendment would result in more prosecutions of drug lab cases where children are present on child abuse grounds without having to establish care and custody relationship

DEC Objective

The primary focus of the DEC Task Force has focused on Methamphetamine Lab cases in Maricopa County. In FY 2005, emphasis will be placed on expansion of the Arizona DEC Program model developed in Maricopa County to the state's remaining 14 counties. The expansion plan will include training and technical assistance to teams of law enforcement, CPS staff and health professionals utilizing Arizona's 14 Child Advocacy Centers. As a result of meetings and discussions, an optimal level of coordination and support is available from DES-CPS at the state level to move forward with statewide expansion.

Accomplishments

Key accomplishments for the Arizona DEC Program in FY 2004 include:

- Formalized Multidisciplinary Protocol and began state-wide implementation.
- Pinal County completed the development and implementation of a DEC Protocol tailored to meet the needs and resources of Pinal County.
- Development of a DEC Protocol for Yuma County began through technical assistance meetings including representatives from CPS District IV, Amberly's Place Child Advocacy Center, County Attorney's Office, and local law enforcement agencies.
- As a result of House Bill 2024, the Attorney General's office collaborated with the Interagency Council of the Maricopa County Children's Justice Project to incorporate the DEC Protocol into the Maricopa County Multidisciplinary Protocol for Investigation of Child Abuse Cases.
- Completed the production and began distribution of a Drug Endangered Children Program informative video. This video provides information about the DEC program and the serious nature of drug endangered children. Statewide distribution is planned to law enforcement agencies, child protective services, family advocacy centers, medical professionals, and county attorneys.
- Completed development of the Drug Endangered Children website (www.azag.gov/DEC) containing information on meth, meth labs, current articles and statistics, forming a DEC program and a link to the Multidisciplinary Protocol.
- In collaboration with the Arizona Arts Community, the DEC program poster was created and now serves as effective depiction of the children served by the DEC program.
- Substance abuse content section included in Attorney General's Web Page for Kids implemented in October 2003 (www.agaz.gov/ChildrensPage).
- From October 1, 2003 through September 30, 2004, 1,297 individuals attended DEC training sessions.
- Represented Arizona delegation at the Inaugural National Drug Endangered Children Conference in Denver presented by the National Alliance for Drug Endangered Children.
- The DEC Prosecutor attended MCSO Clandestine Drug Lab Safety Training Course and Certification (5 day training course), COPS Methamphetamine Conference and HIPPA Training.
- In partnership with the National Alliance for Drug Endangered Children, Arizona DEC Task Force representatives have provided technical assistance and training throughout the United States.
- Provided technical assistance to other states and to countries developing drug endangered children programs and those addressing the prevalence of precursor chemicals. In Spring 2004, representatives from the DEC program presented the

program and protocol to the Solicitor General of Alberta Canada and to members of the Royal Canadian Mounted Police. The Australian Crime Commission (ACC) National Congress on the Diversion of Precursor Chemicals has identified the Arizona DEC program as a model of the multi-disciplinary approach. The DEC program was featured within the ACC's Annual National Conference in the Fall of 2004.

Funding

Funding for the Drug Endangered Children Program has been provided by a grant from the Governor's Office for Substance Abuse Policy. The source of this funding is the Federal Drug-Free and Safe Schools Act. An Interagency Service Agreement (ISA) covering the grant period October 1, 2004 through September 30, 2005 in the amount of \$189,587 will fund a prosecutor, part time program manager, legal assistant and related program expenses. Additional administrative support for the DEC Program is provided by the Criminal and Drug Units and the Executive Office of the Attorney General.